

AUSTIN CITY COUNCIL
AGENDA



Thursday, February 15, 2007

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**Zoning Ordinances / Restrictive Covenants
(HEARINGS CLOSED)
RECOMMENDATION FOR COUNCIL ACTION**

ITEM No 41

Subject C14-06-0098 - Harris Ridge - Approve second/third readings of an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 13809 Harris Ridge Boulevard (Harris Branch Watershed) from limited industrial-conditional overlay (LI-CO) combining district zoning to townhouse and condominium residence-conditional overlay (SF-6-CO) combining district zoning for Tract 1 and limited industrial-conditional overlay (LI-CO) combining district zoning for Tract 2 First reading approved on December 7, 2006 Vote 7-0 Applicant Capital City-Howard Lane, Ltd (Christopher H Whitworth) Agent Momark Development (Chris Risher) City Staff Tina Bui, 974-2755

**Additional Backup
Material**

(click to open)

- Staff_Report**
- Ordinance**

For More Information

SECOND/THIRD READINGS SUMMARY SHEET

ZONING CASE NUMBER C14-06-0098 (Harris Ridge - Momark)

REQUEST Approve 2nd/3rd readings of an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 13809 Harris Ridge Boulevard (Harris Branch Watershed) from Limited Industrial-Conditional Overlay (LI-CO) combining district zoning to Townhouse and Condominium Residence (SF-6) district zoning for Tract 1 and Limited Industrial-Conditional Overlay (LI-CO) district zoning for Tract 2

APPLICANT Capital City-Howard Lane, Ltd (Christopher H Whitworth)

AGENT. Momark Development (Chris Risher)

DATE & ACTION OF 1st READING VOTE

December 7, 2006 - Approved on consent (7-0) Zoning & Platting Commission recommendation of SF-6-CO for Tract 1 and LI-CO for Tract 2

December 14, 2006 – Approved postponement by applicant to January 11, 2007
(Applicant needed more time to execute the restrictive covenant)

January 11, 2007 – Approved postponement by applicant to February 15, 2007
(Applicant needed more time to execute the restrictive covenant)

ZONING & PLATTING COMMISSION RECOMMENDATION

11/21/06 Approved staff's recommendation of SF-6-CO zoning for Tract 1, with following conditions

- Changed setback requirement to a 45-foot building setback from the southern property line along proposed Tract 2,
- Added requirement for an 8-foot masonry fence along the southern property line along proposed Tract 2,
- Included a 25-foot vegetative buffer along the western property line bordering single family development in the County,

Approved staff's recommendation for LI zoning for Tract 2, adding a conditional overlay for the following

- Establish a 78-foot building setback from the northern property line along proposed Tract 1,

Include the TIA recommendations for Tracts 1 and 2 as provided in Attachment D in a public restrictive covenant

Vote (9-0), K Jackson-1st, B Baker-2nd

CITY COUNCIL DATE February 15, 2007

CITY COUNCIL ACTION

ASSIGNED STAFF Tina Bui, 974-2755, [Tina Bui@ci.austin.tx.us](mailto:Tina.Bui@ci.austin.tx.us)

ORDINANCE NO. _____

1 AN ORDINANCE REZONING AND CHANGING THE ZONING MAP FOR THE
2 PROPERTY LOCATED AT 13809 HARRIS RIDGE BOULEVARD FROM
3 LIMITED INDUSTRIAL SERVICE-CONDITIONAL OVERLAY (LI-CO)
4 COMBINING DISTRICT TO TOWNHOUSE AND CONDOMINIUM
5 RESIDENCE-CONDITIONAL OVERLAY (SF-6-CO) COMBINING DISTRICT
6 FOR TRACT ONE AND LIMITED INDUSTRIAL SERVICE-CONDITIONAL
7 OVERLAY (LI-CO) COMBINING DISTRICT FOR TRACT TWO.

8
9 BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

10
11 PART 1. The zoning map established by Section 25-2-191 of the City Code is amended to
12 change the base districts on the property (the "Property") described in Zoning Case No
13 C14-06-0098, on file at the Neighborhood Planning and Zoning Department, as follows

14
15 Tract One From limited industrial service-conditional overlay (LI-CO) combining
16 district to townhouse and condominium residence-conditional overlay (SF-6-CO)
17 combining district

18
19 A 35 0 acre tract of land, more or less, out of the Alexander T Walters Survey 67,
20 Abstract 791, Travis County, being a portion of a 67 890 acre tract identified as
21 Tract Two in this ordinance, the 35 0 acre tract of land being more particularly
22 described by metes and bounds in Exhibit "A" incorporated into this ordinance,
23 and

24
25 Tract Two From limited industrial service-conditional overlay (LI-CO) combining
26 district to limited industrial service-conditional overlay (LI-CO) combining
27 district

28
29 A 67 890 acre tract of land, more or less, out of the Alexander T Walters Survey
30 67, Abstract 791, Travis County, Save and Except the 35 0 acre tract of land
31 identified as Tract One in this ordinance, the 67 890 acre tract being more
32 particularly described by metes and bounds in Exhibit "B" incorporated into this
33 ordinance;

34
35 locally known as 13809 Harris Ridge Boulevard, in the City of Austin, Travis County,
36 Texas, and generally identified in the map attached as Exhibit "C"

37

1 **PART 2.** The Property within the boundaries of the conditional overlay combining district
2 established by this ordinance is subject to the following conditions

- 3
- 4 (A) A 45-foot wide building setback shall be established from the south property line of
5 Tract One for the length of the common property line between Tracts One and Two
6
- 7 (B) At the south property line of Tract One, an eight-foot high fence shall be provided
8 along the common property line between Tracts One and Two
9
- 10 (C) A 25-foot wide vegetative buffer shall be provided and maintained along the west
11 property line of Tract One that runs along the adjacent residential development
12 Improvements permitted within the buffer zone are limited to drainage, underground
13 utility improvements or those improvements that may be otherwise required by the
14 City of Austin or specifically authorized in this ordinance
15
- 16 (D) A 78-foot wide building setback shall be established from the north property line of
17 Tract Two for the length of the common property line between Tracts One and Two
18

19 Except as specifically restricted under this ordinance, the Property may be developed and
20 used in accordance with the regulations established for the respective base districts and
21 other applicable requirements of the City Code
22

23 **PART 3.** This ordinance takes effect on _____, 2006
24

25
26 **PASSED AND APPROVED**

27
28 §
29 §
30 _____, 2006 § _____
31 Will Wynn
32 Mayor

33
34
35 **APPROVED:** _____ **ATTEST:** _____
36 David Allan Smith Shirley A Gentry
37 City Attorney City Clerk



Professional Land Surveying, Inc.
Surveying and Mapping

EXHIBIT A

Office 512-443-1724
Fax 512-441-6987

2807 Manchaca Road
Building One
Austin, Texas 78704

Tract 1

35.000 ACRES
CAPITAL CITY-HOWARD LANE, LTD.

A DESCRIPTION OF 35 000 ACRES IN THE ALEXANDER T WALTERS SURVEY 67 ABSTRACT 791, TRAVIS COUNTY, TEXAS, BEING A PORTION OF A 67 890 ACRE TRACT CONVEYED TO CAPITAL CITY - HOWARD LANE, LTD , BY SPECIAL WARRANTY DEED EXECUTED JULY 23, 2002 AND RECORDED IN DOCUMENT NO 2002135987 OF THE OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS, SAID 35 000 ACRES BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS

BEGINNING at a 1/2" rebar with cap set in the west line of the said 67 890 acre tract, being in the east line of Lot 4, Block B, Resubdivision of Lot 1, Block A, Lot 1, Block B, Lot 1, Block C, Lot 1, Block D and Lot 13, Block E, Parkway Subdivision, a subdivision of record in Document No 200500063 of the Official Public Records of Travis County, Texas, from which a 1/2" rebar found in the east right-of-way line of Harris Ridge Boulevard (64' right-of-way width), being in the west line of the said 67 890 acre tract, being also the southernmost corner of said Lot 4, bears South 27°42'37" West, a distance of 448 34 feet,

THENCE North 27°42'37" East with the west line of the said 67 890 acre tract, the east line of said Lot 4, the east line of Northtown Park Section 5-A, a subdivision of record in Volume 91, Page 188 of the Plat Records of Travis County, Texas, and the east line of a 4 652 acre tract of land described in Volume 12088, Page 492 of the Real Property Records of Travis County, Texas, a distance of 1759 40 feet to a 1/2" rebar found for the northwest corner of the said 67 890 acre tract, being the northeast corner of the said 4 652 acre tract, being also in the south line of Lot 2, Block H, Parkside Subdivision, a subdivision of record in Document No 200400029 of the Official Public Records of Travis County, Texas,

THENCE with the north line of the said 67 890 acre tract and the south line of Lot 2, Block H, of said Parkside Subdivision, the following three (3) courses

- 1 South 62°12'15" East, a distance of 84 00 feet to a 60d nail in Hackberry stump found,
- 2 South 61°57'45" East, a distance of 349 51 feet to a 1/2" rebar found,
- 3 South 62°26'25" East, a distance of 433 60 feet to a 1/2" rebar found for the northeast corner of the said 67 890 acre tract, being the northwest corner of a 67 93 acre tract of land described in Volume 13082, Page 106 of the Real

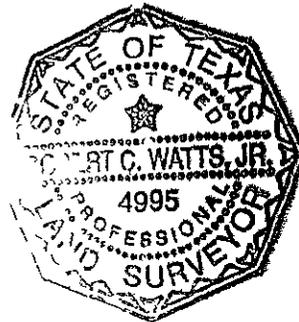
Property Records of Travis County, Texas,

THENCE South 27°42'20" West with the east line of the said 67 890 acre tract and the west line of the said 67 93 acre tract, a distance of 1758 42 feet to a 1/2" rebar with cap set, from which a 1/2" rebar found, bears South 27°42'20" West, a distance of 1651 69 feet,

THENCE North 62°17'23" West over and across the said 67 890 acre tract, a distance of 867 24 feet to the **POINT OF BEGINNING**, containing 35 000 acres of land, more or less

Surveyed on the ground in December, 2005 under my direction and supervision Bearing basis is Grid Azimuth for the Texas Central Zone, 1983/93 HARN values from the LCRA survey control network Attachments survey Drawing No 351-001-ZN and 351-001-TO2


Robert C Watts, Jr
Registered Professional Land Surveyor
State of Texas No 4995



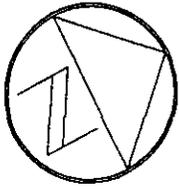
11-6-06

SKETCH TO ACCOMPANY A DESCRIPTION OF 35,000 ACRES IN THE ALEXANDER T WALTERS SURVEY 67 ABSTRACT 791, TRAVIS COUNTY, TEXAS, BEING A PORTION OF A 67,890 ACRE TRACT CONVEYED TO CAPITAL CITY - HOWARD LANE, LTD., BY SPECIAL WARRANTY DEED EXECUTED JULY 23, 2002 AND RECORDED IN DOCUMENT NO. 2002135987 OF THE OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS

BEARING BASIS GRID AZIMUTH FOR TEXAS CENTRAL ZONE, 1983/93 HARN VALUES FROM LCRA CONTROL NETWORK
 ATTACHMENTS METES AND BOUNDS DESCRIPTION 351-001-ZN

LOT 2, BLOCK H
 PARKSIDE SUBDIVISION
 (200400029)

NORTHTOWN M U D
 4 652 ACRES
 (12088/492)



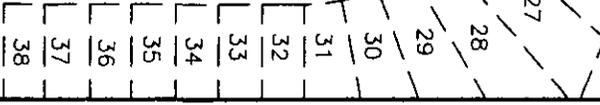
1 = 200

NORTHTOWN PARK
 SECTION 5-A
 (91/188)

- LEGEND**
- 1/2" REBAR FOUND
 - 1/2" REBAR WITH CAP SET
 - ▲ 60D NAIL FOUND IN HACKBERRY HACKBERRY STUMP

DATE OF SURVEY 12/05
 PLOT DATE 11/06/06
 DRAWING NO 351-001-ZN
 PROJECT NO 351-001
 SHEET 1 OF 2

RICELLA DRIVE
 (RIGHT-OF-WAY WIDTH)



N27°42'37"E 1759 40'
 (N30°16'57"E)

S61°57'45"E 349 51' S62°26'25"E 433 60'
 (S59 23'44"E 349 52') (S59 51'46"E 433 58')

TRACT 3 (LES WITHIN TRACT 1)
 3 81 ACRES

WATER QUALITY TRANSITION ZONE

100 YEAR FLOODPLAIN
 (PROVIDED BY HPE)

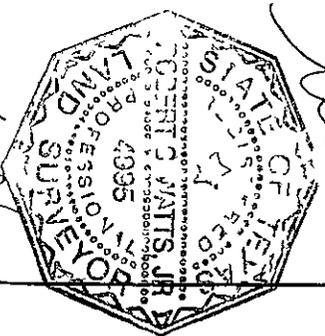
TRACT 1 AND 3 - 35 000 ACRES
 (67 890 ACRES)
 CAPITAL CITY - HOWARD LANE, LTD
 (2002135987)

ALEXANDER T WALTERS
 SURVEY 67 ABSTRACT 791

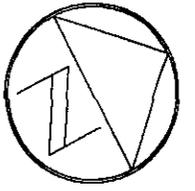
Chapparral

S27°42'20"W 1758 42'
 S27 42'20"W 3410 11'
 (S30 16'40"W 3410 04')

RUTH MAY MULENEX
 67 93 ACRES
 (13082/106)



11-6-06



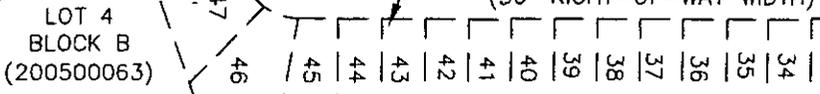
1" = 200'

NORTHTOWN PARK
SECTION 5-A
(91/188)

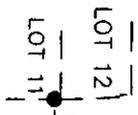
UNNUMBERED LOT
BLOCK B
(200500063)
HARRIS RIDGE BLVD.
(64' RIGHT-OF-WAY WIDTH)
ASPHALT PAVEMENT

BLOCK C
RESUBDIVISION OF LOT 1, BLOCK
A, LOT 1, BLOCK B, LOT 1
BLOCK C, LOT 1, BLOCK D & LOT
13 BLOCK E, PARKWAY
SUBDIVISION
(200500063)

MARICELLA DRIVE
(50' RIGHT-OF-WAY WIDTH)



TAYSIDE DRIVE
(50' RIGHT OF WAY WIDTH)



S27°42'37"W 448 34' N27°42'37"E 1759 40'
(N30°16'57"E)

P.O.B.

ALEXANDER T WALTERS
SURVEY 67 ABSTRACT 791

TRACT 1 AND 3 - 35 000 ACRES
(67 890 ACRES)
CAPITAL CITY - HOWARD LANE, LTD
(2002135987)

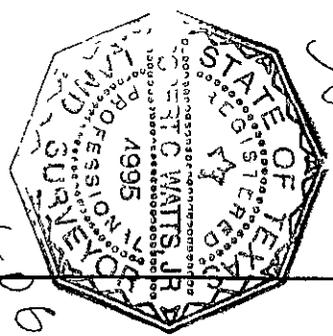
N62°17'23"W 867 24'

CAPITAL CITY - HOWARD LANE, LTD
67 890 ACRES
(2002135987)

S27°42'20"W 1758 42'
S27°42'20"W 3410 11'
(S30°16'40"W 3410 04')

S27°42'20"W
1651 69'

RUTH MAY MULENEX
67 93 ACRES
(13082/106)



Walters

DATE OF SURVEY 12/05
PLOT DATE 11/06/06
DRAWING NO 351-001-ZN
PROJECT NO 351-001
SHEET 2 OF 2

Chapparral

LINE TABLE

No	BEARING	LENGTH	(RECORD)
L2	S62°12'15"E	84 00'	(S59 39'56"E 83 99')
L4	N62°17'12"W	64 05'	(N62 09'40"W 63 92')



Professional Land Surveying, Inc.
Surveying and Mapping

EXHIBIT B

Office 512-476-7103
Fax 512-476-7105

510 South Congress Ave
Suite B-100
Austin, Texas 78704

Tract II

Capital City Partners
Howard Lane Tract

A DESCRIPTION OF 67 890 ACRES IN THE ALEXANDER WALTERS SURVEY NO 67 IN TRAVIS COUNTY, TEXAS, BEING ALL OF A 33 941 ACRE TRACT (TRACT I) AND ALL OF A 33 945 ACRE TRACT (TRACT II) AS DESCRIBED IN A GENERAL WARRANTRY DEED TO CWS COMMUNITIES, DATED APRIL 23, 1998, OF RECORD IN VOLUME 13174, PAGE 1813 OF THE REAL PROPERTY RECORDS OF TRAVIS COUNTY, TEXAS,, SAID 67 890 ACRES BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS

BEGINNING at a ½" rebar with cap set in the north line of Howard Lane (right-of-way width varies), being also the southwest corner of said Tract 1, being in the east line of Heatherwilde Boulevard (90' right-of-way width) as dedicated by plat of Northtown Park Section 3, a subdivision of record in Volume 87, Page 9B of the Plat Records of Travis County, Texas,

THENCE North 27°42'37" East, with the west line of Tract I, with the east line of Heatherwilde Boulevard, at 1201 17 feet passing a point of curvature for said Heatherwilde Boulevard, departing Heatherwilde Boulevard and continuing with the east line of a 305 768 acre tract described in Volume 8496, Page 574 of the Deed Records of Travis County, Texas, and continuing with the east line of Northtown Park Section 5-A, a subdivision of record in Volume 91, Page 188 of the Plat Records of Travis County, Texas, and continuing with the east line of a 4 652 acre tract described in Volume 12088, Page 492 of the Real Property Records of Travis County, Texas, for a total distance of 3411 37 feet to a ½" rebar found at the northwest corner of said Tract I, being also the northeast corner of the said 4 652 acre tract, and being in the south line of a 267 666 acre tract described in Volume 13310, Page 1431 of the Real Property Records of Travis County, Texas,

THENCE with the common line of Tract I and the 267 666 acre tract, the following two (2) courses

- 1 South 62°12'15" East, a distance of 84 00 feet to a 60d nail found in a hackberry tree stump,
- 2 South 61°57'45" East, a distance of 349 51 feet to a ½" rebar found for the northeast corner of Tract I, being also the northwest corner of Tract II,

THENCE South 62°26'25" East, with the common line of Tract II and the 267 666 acre tract, a distance of 433 60 feet to a ½" rebar found for the northeast corner of Tract II,

being also the northwest corner of a 67.93 acre tract described in Volume 13082, Page 106 of the Real Property Records of Travis County, Texas,

THENCE South 27°42'20" West, with the common line of Tract II and the 67.93 acre tract, a distance of 3410.11 feet to a ½" rebar found for the southeast corner of Tract II, being also the southwest corner of the 67.93 acre tract, and being also in the north line of Howard Lane,

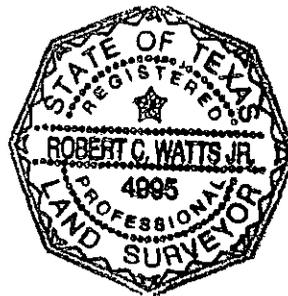
THENCE North 62°18'30" West, with the south line of Tract II and the north line of Howard Lane, a distance of 433.77 feet to a ½" rebar with cap set for the southwest corner of Tract II, being also the southeast corner of Tract I,

THENCE North 62°18'30" West, with the south line of Tract I and the north line of Howard Lane, a distance of 433.60 feet to the **POINT OF BEGINNING**, containing 67.890 acres of land, more or less

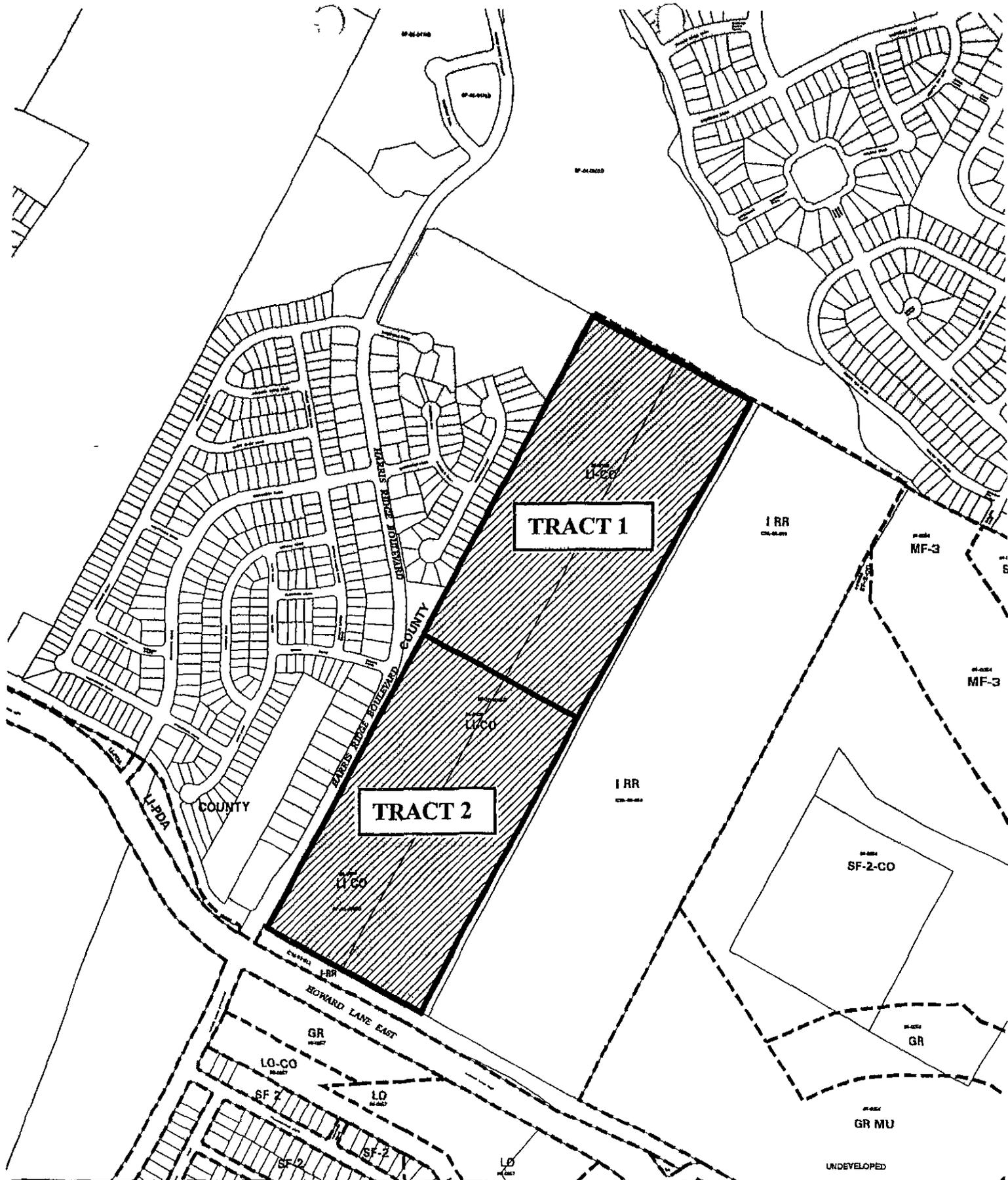
Surveyed on the ground April 12, 2002 under my direction and supervision. Bearing basis is Grid Azimuth for the Texas Central Zone, 1983/93 HARN values from the LCRA survey control network. Attachments: survey Drawing No. 351-01HL.

Robert C. Watts, Jr.

Robert C. Watts, Jr.
Registered Professional Land Surveyor
State of Texas No. 4995



4-19-02



 1" = 600'	SUBJECT TRACT 	ZONING EXHIBIT C	CITY GRID REFERENCE NUMBER P35
	PENDING CASE 		
	ZONING BOUNDARY 		
	CASE MGR S SIRWAITIS		
CASE # C14-06-0098		DATE 06-11	
ADDRESS HARRIS RIDGE BLVD		INTLS TRC	
SUBJECT AREA (acres) 67.890			

10/03/06 Postponed indefinitely by staff (7-0, J Pinnelli, K Jackson-absent), J Martinez-1st, S Hale-2nd

11/21/06 Approved staff's recommendation of SF-6-CO zoning for Tract 1, with following conditions

- Changed setback requirement to a 45-foot building setback from the southern property line along proposed Tract 2,
- Added requirement for an 8-foot masonry fence along the southern property line along proposed Tract 2,
- Included a 25-foot vegetative buffer along the western property line bordering single family development in the County,

Approved staff's recommendation for LI zoning for Tract 2, adding a conditional overlay for the following

- Establish a 78-foot building setback from the northern property line along proposed Tract 1,

Include the TIA recommendations for Tracts 1 and 2 as provided in Attachment D in a public restrictive covenant

Vote (9-0), K Jackson-1st, B Baker-2nd

ISSUES

The agent for this case recently submitted a Transportation Impact Analysis for the site under consideration. Upon reviewing the proposed TIA, the staff realized that the applicant had included the area for this case as well as land zoned LI-CO to the south of this tract (67,890 acres total). Therefore, applicant will be required to submit a rezoning case for the property to the south of this tract (31,746 acres) as well if they wish to remove the 2,000 vehicle trip limit that was applied to both of these properties in zoning case C14-04-0139. On October 3, 2006, the staff recommended postponing this case indefinitely so that the Transportation staff could complete their review of the TIA submittal and to allow the applicant time to submit a rezoning case for the property located at 1100 East Howard Lane.

DEPARTMENT COMMENTS

The property in question is currently undeveloped. This area was full purpose annexed by the City of Austin on December 31, 2003. The previous owner sought permanent zoning for this site in 2004 to construct office/warehouse uses that were approved through case SP-03-0385D (Howard Lane Industrial Park Site Plan - Attachment B). The site plan was submitted on September 17, 2003, prior to the property's annexation by the city.

The applicant is requesting to rezone Tract 1 to SF-6, Townhouse & Condominium Residence District, to develop approximately 167 condominium units on the site. The applicant proposes to construct 1,100 to 1,500 square foot garden homes on 30 foot wide lots on the property. This tract will take access through a piece of land in the county to the southwest onto Harris Ridge Boulevard, a collector street. According to the applicant, the proposed development will be separated from the remaining LI-CO property to the south by an alley way running along the shared property line.

The staff is recommending SF-6-CO zoning for Tract 1 because the property is located adjacent to existing single-family residential uses to the west in the county and to the east in the city. The proposed SF-6-CO zoning will allow the applicant to cluster residential development on a site with floodplain constraints (see aerial-Attachment C). The staff is recommending a 25-foot vegetative buffer along the western property line to provide compatibility for the developed single-family homes in the county. In addition, the staff recommends a 100-foot building setback along the southern property line of this tract to create a separation between the proposed condominium uses and the approved industrial/warehouse uses planned in the LI-CO zoning (now known as Tract 2) along East Howard Lane. This proposed buffer is consistent with the staff's recommendations in other zoning cases where an applicant requested single-family zoning adjacent to existing industrial zoning within the City of Austin.

For Tract 2, the staff is recommending LI, Limited Industrial District, zoning in accordance with the commercial/ industrial character of the area. The proposed LI zoning will allow the applicant to construct previously approved office/warehouse uses on the site in conformance with the City of Austin Land Development Code regulations on a property takes access to Howard Lane, a major arterial roadway.

The applicant agrees with the Zoning and Platting Commission's recommendation.

EXISTING ZONING AND LAND USES.

	ZONING	LAND USES
<i>Site</i>	LI-CO	Undeveloped
<i>North</i>	County	Undeveloped
<i>South</i>	GR, LO-CO	Undeveloped
<i>East</i>	I-RR	Single-Family Homestead/ Ranch
<i>West</i>	LI-PDA, County	Undeveloped, Single-Family Residential

AREA STUDY N/A

TIA Waived

WATERSHED Harris Branch

DESIRED DEVELOPMENT ZONE, Yes

CAPITOL VIEW CORRIDOR N/A

HILL COUNTRY ROADWAY N/A

NEIGHBORHOOD ORGANIZATIONS

114 – North Growth Corridor Alliance

CASE HISTORIES

NUMBER	REQUEST	COMMISSION	CITY COUNCIL
C14-04-0139	I-RR to LI	11/2/04 Approved staff's recommendation of LI-CO zoning with added condition of no Adult Oriented Businesses, by consent (9-0)	12/02/04 Approved LI-CO (7-0), all 3 readings

C14-04-0120	I-LI to LI	9/7/04 Approved staff's recommendation of LI-CO, with the CO limiting the site to 2 000 vtpd, by consent (8-0, J Martnez-absent)	10/21/04 Approved LI-CO (7-0), all 3 readings
C14-04-0073	CS-CO to CS-1	7/20/04 Approved staff's recommendation of CS-1 zoning by consent (8-0, J Pinnelli-absent)	8/26/04 Approved CS-1 (7-0), all 3 readings
C14-04-0056	I-RR to Tract 1-Block A CS, Tract 2-Block A CS Tract 3, Block A: CS, Tract 4-Block A CS, Tract 5-Block A CS, Tract 6-Block A SF-2, Tract 7-Block A. CS, Tract 8-Block A MF-3, Tract 9-Block A SF-6, Tract 10-Block A: CS, Tract 1-Block B: CS, Tract 2-Block B: CS	11/02/04 Approved staff's recommendation of Tract 1-Block A GR-MU, Tract 2-Block A GR, Tract 3-Block A GR, Tract 4-Block A GR, Tract 5-Block A. GR, Tract 6-Block A SF-2-CO (The conditional overlay includes a 100-foot vegetative buffer with a sound barrier fence along the western boundary of this tract to create a physical separation from the commercial /mixed use development proposed on Tract 1, Block A), Tract 7-Block A LR-MU, Tract 8-Block A. MF-3, Tract 9-Block A: SF-6, Tract 10-Block A. LR, Tract 1-Block B GR-MU, Tract 2-Block B GR-MU, The staff's recommendation includes a public restrictive covenant to encompass the Transportation Impact Analysis Recommendations, zoning by consent (9-0)	12/16/04 Granted SF-2-CO, SF-6, MF-3, LR-MU, GR and GR-MU on all 3 readings (7-0)
C14-03-0069	SF-2 to CS	5/6/03 Approved CS-CO zoning with condition to prohibit Adult Oriented Businesses, by consent (8-0, K Jackson-absent)	6/5/03 Granted CS-CO on all 3 readings (7-0)
C14-02-0111	Tract 1 GR-CO to GR Tract 2 CS-CO to CS	10/15/02 Approved staff's recommendation of GR-CO, CS-CO zoning with added condition to prohibit Automotive Sales, by consent (7-0, D Castaneda-absent)	12/5/02 Granted GR-CO for Tract 1 and CS-CO for Tract 2 on all 3 readings (7-0)
C14-01-0169	IP to CS	2/5/02 Approved staff's alternate rec of CS-CO w/conditions by consent (8-0)	3/21/02 Approved CS-CO w/ other conditions (7-0), 1 st reading 4/11/02 Approved CS-CO (6-0), 2 nd /3 rd readings

C14-00-2099	SF-2, GR to CS	10/17/00 Approved staff's rec of CS-CO, with no Adult Oriented Businesses (8-0)	12/14/00 Approved CS-CO w/ additional prohibited uses (7-0), all 3 readings
C14-98-0265	AV to LI	5/25/99 Approved staff rec of LI-PDA w/ condition regarding bicycle parking	6/3/03 Approved LI-PDA w/ conditions (7-0), all 3 readings-on emergency passage
C14-98-0212	I-RR to CS	Approved GR-CO w/conditions for front to match existing GR and CS-CO for remainder of property, prohibit auto repair and auto washing except for on-site tenants (5-2, GW/DS-Nay) on 12/15/98	Approved PC rec of GR-CO w/ conditions 97-0), 1 st reading on 1/14/99 Approved CS-CO w/ conditions (7-0), 2 nd /3 rd readings on 4/15/99
C14-96-0131	SF-2 to GR	12/10/96 Approved staff rec of GR (9-0)	1/9/97 Approved GR-CO w/ conditions (7-0), 1 st reading 3/20/97 Approved GR-CO w/conditions (7-0), 2 nd /3 rd readings
C14-93-0094	SF-2 to GR, CS-1	8/17/93 Approved CS-1-CO (TR1), GR-CO (TR2) w/ conditions (5-0)	11/3/94 Approved CS-1-CO & GR-CO (5-0), all 3 readings
C14-93-0047	SF-2 to CS	4/27/93 Approved GR-CO (6-0)	5/6/93 Approved GR-CO & CS-CO w/ conditions (6-0), 1 st reading 6/17/93 Approved GR-CO (7-0), 2 nd /3 rd readings

RELATED CASES. C7A-03-013 – Annexation
 SP-03-0385D – Approved Site Plan
 C14-04-0139 – Previous Zoning Case

ABUTTING STREETS

NAME	ROW	PAVEMENT	CLASSIFICATION	DAILY TRAFFIC
Howard Lane	Varies	Varies	Major Arterial	-
Harris Ridge Boulevard	Varies	Varies	Collector	-

CITY COUNCIL DATE & ACTION

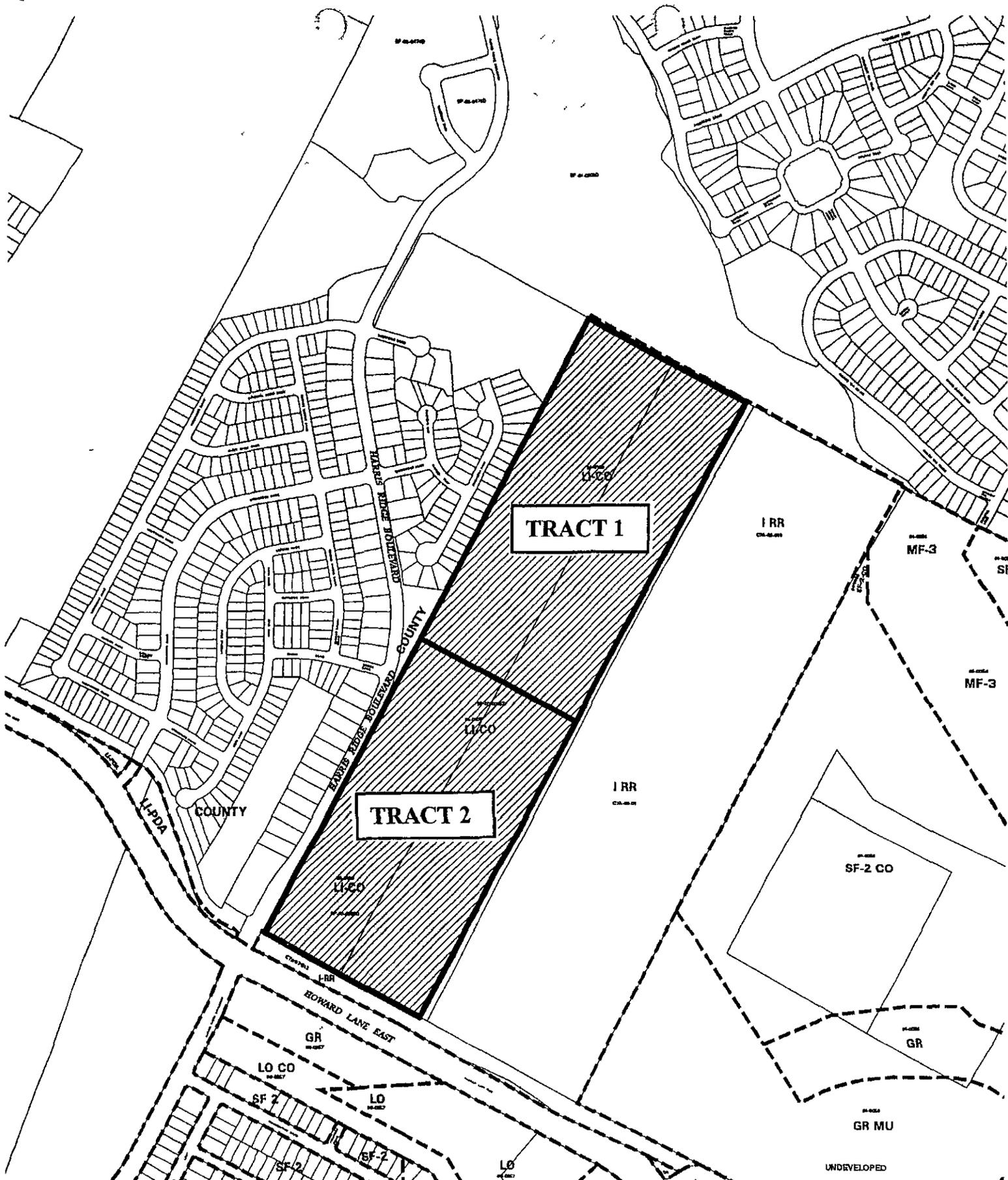
Dec 7, 2006 - Approved on consent (7-0) ZAP recommendation of SF-6-CO for Tract 1 and LI-CO for Tract 2
 Dec 14, 2006 - Approved postponement by applicant to January 11, 2007
 January 11, 2007 - Approved postponement by applicant to February 15, 2007
 February 15, 2007 -

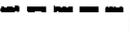
ORDINANCE READINGS 1st 2nd 3rd

ORDINANCE NUMBER

CASE MANAGER Sherrri Sirwaitis

PHONE 974-3057,
 sherrri_sirwaitis@ci_austin.tx.us



 1" = 600'	SUBJECT TRACT 	ZONING CASE # C14-06-0098 ADDRESS HARRIS RIDGE BLVD SUBJECT AREA (acres) 67.890	DATE 06-11 INTLS TRC	CITY GRID REFERENCE NUMBER P35
	PENDING CASE 			
	ZONING BOUNDARY 			
	CASE MGR S SIRWAITIS			



STAFF RECOMMENDATION

The staff's recommendation is to grant SF-6-CO, Townhouse & Condominium Residence-Conditional Overlay District, zoning for Tract 1 and LI, Limited Industrial District, zoning for Tract 2. The conditional overlay for Tract 1 will establish a 25-foot vegetative buffer along the western property line and a 100-foot building setback along the southern property line.

The staff's recommendation includes a public restrictive covenant to encompass the Transportation Impact Analysis Recommendations (TIA) for Tracts 1 and 2 as provided in Attachment D.

BASIS FOR RECOMMENDATION

1. *The proposed zoning should be consistent with the purpose statement of the district sought.*

For Tract 1:

Townhouse and condominium residence (SF-6) district is the designation for a moderate density single family, duplex, two-family, townhouse, and condominium use that is not subject to the spacing and location requirements for townhouse and condominium use in an SF-5 district. An SF-6 district designation may be applied to a use in an area with large lots that have access to streets other than minor residential streets. An SF-6 district may be used as a transition between a single family and multifamily residential use.

For Tract 2:

The Limited Industrial Services district (LI) is the designation for a commercial service use or limited manufacturing use generally located on a moderately-sized site.

2. *The proposed zoning should promote consistency and orderly planning.*

The SF-6-CO zoning district that is proposed for Tract 1 would be compatible and consistent with surrounding uses because the property is located next to established single-family residential developments located in the city to the east and in the county to the west. The applicant will be required to comply with City of Austin Compatibility Standards adjacent to the single-family homestead/ ranch to the east (area zoned I-RR). In addition, the staff is recommending a 25-foot vegetative buffer along the western property line to provide for compatibility adjacent to the developed single-family homes in the county and a 100-foot building setback along the southern property line to create a separation between the proposed condominium uses and the approved industrial park planned on Tract 2 to the south.

The LI zoning district proposed for Tract 2 would be compatible and consistent with the surrounding uses because the property is located in the vicinity of other commercial and industrial uses to the south and west. There is LI-PDA and IP zoning to the southwest of the property in question, across Howard Lane.

3. *The proposed zoning should allow for a reasonable use of the property.*

The SF-6-CO zoning district would allow for a fair and reasonable use of Tract 1. The property in question meets the minimum site development requirements established by the Townhouse & Condominium zoning district. SF-6-CO zoning will allow the applicant to cluster residential development on a site with floodplain constraints.

LI zoning is appropriate for Tract 2 because of the location of the site and the commercial and industrial character of the area. The property fronts onto and will take access from Howard Lane, an arterial roadway.

EXISTING CONDITIONS

Site Characteristics

The site is currently undeveloped and sparsely vegetated. The property slopes to the north where floodplain from Harris Creek traverses the site.

Impervious Cover

The maximum impervious cover allowed by the SF-6 zoning district would be 55%. However, because the watershed impervious cover is more restrictive than the zoning district's allowable impervious cover, the impervious cover is limited by the watershed regulations.

Under current watershed regulations, development or redevelopment on this site will be subject to the following impervious cover limits:

Development Classification	% of Net Site Area	% with Transfers
Single-Family (minimum lot size 5750 sq. ft.)	50%	60%
Other Single-Family or Duplex	55%	60%
Multifamily	60%	70%
Commercial	80%	90%

Environmental

The site is not located over the Edward's Aquifer Recharge Zone. The site is in the Desired Development Zone. The site is in the Harris Branch Watershed of the Colorado River Basin, which is classified as a Suburban Watershed by Chapter 25-8 of the City's Land Development Code.

According to flood plain maps, there is a floodplain within the project boundary. Based upon the close proximity of flood plain, offsite drainage should be calculated to determine the exact location of the boundaries. No development is permitted in the Critical Water Quality Zone, while impervious cover is limited to 30% in the Water Quality Transition Zone.

Standard landscaping and tree protection will be required in accordance with LDC 25-2 and 25-8 for all development and/or redevelopment.

At this time, site specific information is unavailable regarding existing trees and other vegetation, areas of steep slope, or other environmental features such as bluffs, springs, canyon rimrock, caves, sinkholes, and wetlands.

Under current watershed regulations, development or redevelopment on this site will be subject to the following water quality control requirements:

- Structural controls. Sedimentation and filtration basins with increased capture volume and 2 year detention.

At this time, no information has been provided as to whether this property has any pre-existing approvals that preempt current water quality or Code requirements.

Transportation

No additional right-of-way is needed at this time

The trip generation under the requested zoning is estimated to be 3,142 trips per day, assuming that the site develops to the maximum intensity allowed under the zoning classification (without consideration of setbacks, environmental constraints, or other site characteristics).

A traffic impact analysis was waived for this case because the applicant agreed to limit the intensity and uses for this development. This tract was part of a larger tract comprising 67.89 acres which was zoned under case C14-04-0139. The original zoning for this tract limited the entire 67.89 acres to less than 2,000 vehicle trips per day. Therefore, this rezoning case shall be limited to its percentage of 2,000 vehicle trips based on parcel acreage. If the zoning is granted, development should be limited through a conditional overlay to less than 1,060 vehicle trips per day. [LDC, 25-6-117]

A traffic impact analysis has been received. Comments will be provided in a separate memo (Attachment D).

Capital Metro bus service is not available within 1/4 mile of this property.

Howard Lane is classified in the Bicycle Plan as a Priority 1 bike route.

There are existing sidewalks along Howard Lane

Existing Street Characteristics:

NAME	ROW	PAVEMENT	CLASSIFICATION
Howard Lane	Varies	Varies	Major Arterial
Harris Ridge Boulevard	Varies	Varies	Collector

Right-of-Way

The scope of this review is limited to the identification of needs for dedication and/or reservation of right-of-way for funded Capital Improvement Program (CIP) Roadway Construction Projects and Transportation Systems Management (T.S.M) Projects planned for implementation by the City of Austin. No aspect of the proposed project is being considered or approved with this review other than the need for right-of-way for City projects. There are separate right-of-way dedication and reservation requirements enforced by other Departments and other jurisdictions to secure right-of-way for roadway improvements contained in the Austin Metropolitan Area Roadway Plan, roadway projects funded by County and State agencies, and for dedication in accordance with the functional classification of the roadway

We have reviewed the proposed subdivision, site plan, or zoning case and anticipate no additional requirement for right-of-way dedication or reservation for funded CIP or T.S.M. projects at this location

Water and Wastewater

The landowner intends to serve the site with City water and wastewater utilities. The landowner, at own expense, will be responsible for providing the water and wastewater utility improvements, offsite main extension, system upgrades, utility adjustments, and relocation. The water and wastewater utility plan must be reviewed and approved by the Austin Water Utility. The plan must be in accordance with the City design criteria. The water and wastewater utility construction must be inspected by the City. The landowner must pay the associated city fees.

Stormwater Detention

At the time a final subdivision plat, subdivision construction plans, or site plan is submitted, the developer must demonstrate that the proposed development will not result in additional identifiable flooding of other property. Any increase in stormwater runoff will be mitigated through on-site stormwater detention ponds, or participation in the City of Austin Regional Stormwater Management Program if available.

Compatibility Standards

There is an existing approved site plan, SP-03-0385D, which proposes 5 office/warehouse buildings (Attachment B).

Any new development on this site would be subject to Compatibility Standards due to the existing single-family residence on the tract to the east of this site. Along the eastern property line, the following standards apply:

- No structure may be built within 25 feet of the property line.
- No structure in excess of two stories or 30 feet in height may be constructed within 50 feet of the property line.
- No structure in excess of three stories or 40 feet in height may be constructed within 100 feet of the property line.
- No parking or driveways are allowed within 25 feet of the property line.
- In addition, a fence, berm, or dense vegetation must be provided to screen adjoining properties from views of parking, mechanical equipment, storage, and refuse collection.

Additional design regulations will be enforced at the time a site plan is submitted.

ORDINANCE NO. 041202-Z-23

AN ORDINANCE ESTABLISHING INITIAL PERMANENT ZONING FOR THE PROPERTY LOCATED AT 1100 EAST HOWARD LANE AND CHANGING THE ZONING MAP FROM INTERIM RURAL RESIDENCE (I-RR) DISTRICT TO LIMITED INDUSTRIAL SERVICES-CONDITIONAL OVERLAY (LI-CO) COMBINING DISTRICT.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

PART 1. The zoning map established by Section 25-2-191 of the City Code is amended to change the base district from interim rural residence (I-RR) district to limited industrial services-conditional overlay (LI-CO) combining district on the property described in Zoning Case No. C14-04-0139, on file at the Neighborhood Planning and Zoning Department, as follows:

A 67.890 acre tract of land, more or less, out of the Alexander Walters Survey No. 6, Travis County, the tract of land being more particularly described by metes and bounds in Exhibit "A" incorporated into this ordinance, (the "Property")

locally known as 1100 East Howard Lane, in the City of Austin, Travis County, Texas, and generally identified in the map attached as Exhibit "B".

PART 2. The Property within the boundaries of the conditional overlay combining district established by this ordinance is subject to the following conditions:

A site plan or building permit for the Property may not be approved, released, or issued, if the completed development or uses of the Property, considered cumulatively with all existing or previously authorized development and uses, generate traffic that exceeds 2,000 trips per day.

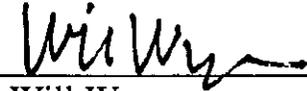
Except as specifically restricted under this ordinance, the Property may be developed and used in accordance with the regulations established for the limited industrial services (LI) base district and other applicable requirements of the City Code.

PART 3. This ordinance takes effect on December 13, 2004.

PASSED AND APPROVED

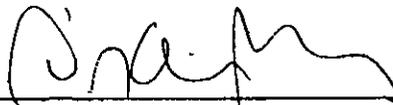
December 2, 2004

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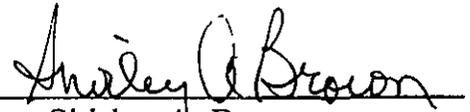
Will Wynn
Mayor

APPROVED:



David Allan Smith
City Attorney

ATTEST:



Shirley A. Brown
City Clerk

EXHIBIT "A"

A DESCRIPTION OF 67.890 ACRES IN THE ALEXANDER WALTERS SURVEY NO. 67 IN TRAVIS COUNTY, TEXAS, BEING ALL OF A 33.941 ACRE TRACT (TRACT I) AND ALL OF A 33.945 ACRE TRACT (TRACT II) AS DESCRIBED IN A GENERAL WARRANTRY DEED TO CWS COMMUNITIES, DATED APRIL 23, 1998, OF RECORD IN VOLUME 13174, PAGE 1813 OF THE REAL PROPERTY RECORDS OF TRAVIS COUNTY, TEXAS.; SAID 67.890 ACRES BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING at a ½" rebar with cap set in the north line of Howard Lane (right-of-way width varies), being also the southwest corner of said Tract 1, being in the east line of Heatherwilde Boulevard (90' right-of-way width) as dedicated by plat of Northtown Park Section 3, a subdivision of record in Volume 87, Page 9B of the Plat Records of Travis County, Texas;

THENCE North 27°42'37" East, with the west line of Tract I, with the east line of Heatherwilde Boulevard, at 1201.17 feet passing a point of curvature for said Heatherwilde Boulevard, departing Heatherwilde Boulevard and continuing with the east line of a 305.768 acre tract described in Volume 8496, Page 574 of the Deed Records of Travis County, Texas, and continuing with the east line of Northtown Park Section 5-A, a subdivision of record in Volume 91, Page 188 of the Plat Records of Travis County, Texas, and continuing with the east line of a 4.652 acre tract described in Volume 12088, Page 492 of the Real Property Records of Travis County, Texas, for a total distance of 3411.37 feet to a ½" rebar found at the northwest corner of said Tract I, being also the northeast corner of the said 4.652 acre tract, and being in the south line of a 267.666 acre tract described in Volume 13310, Page 1431 of the Real Property Records of Travis County, Texas;

THENCE with the common line of Tract I and the 267.666 acre tract, the following two (2) courses:

1. South 62°12'15" East, a distance of 84.00 feet to a 60d nail found in a hackberry tree stump;
2. South 61°57'45" East, a distance of 349.51 feet to a ½" rebar found for the northeast corner of Tract I, being also the northwest corner of Tract II;

THENCE South 62°26'25" East, with the common line of Tract II and the 267.666 acre tract, a distance of 433.60 feet to a ½" rebar found for the northeast corner of Tract II,

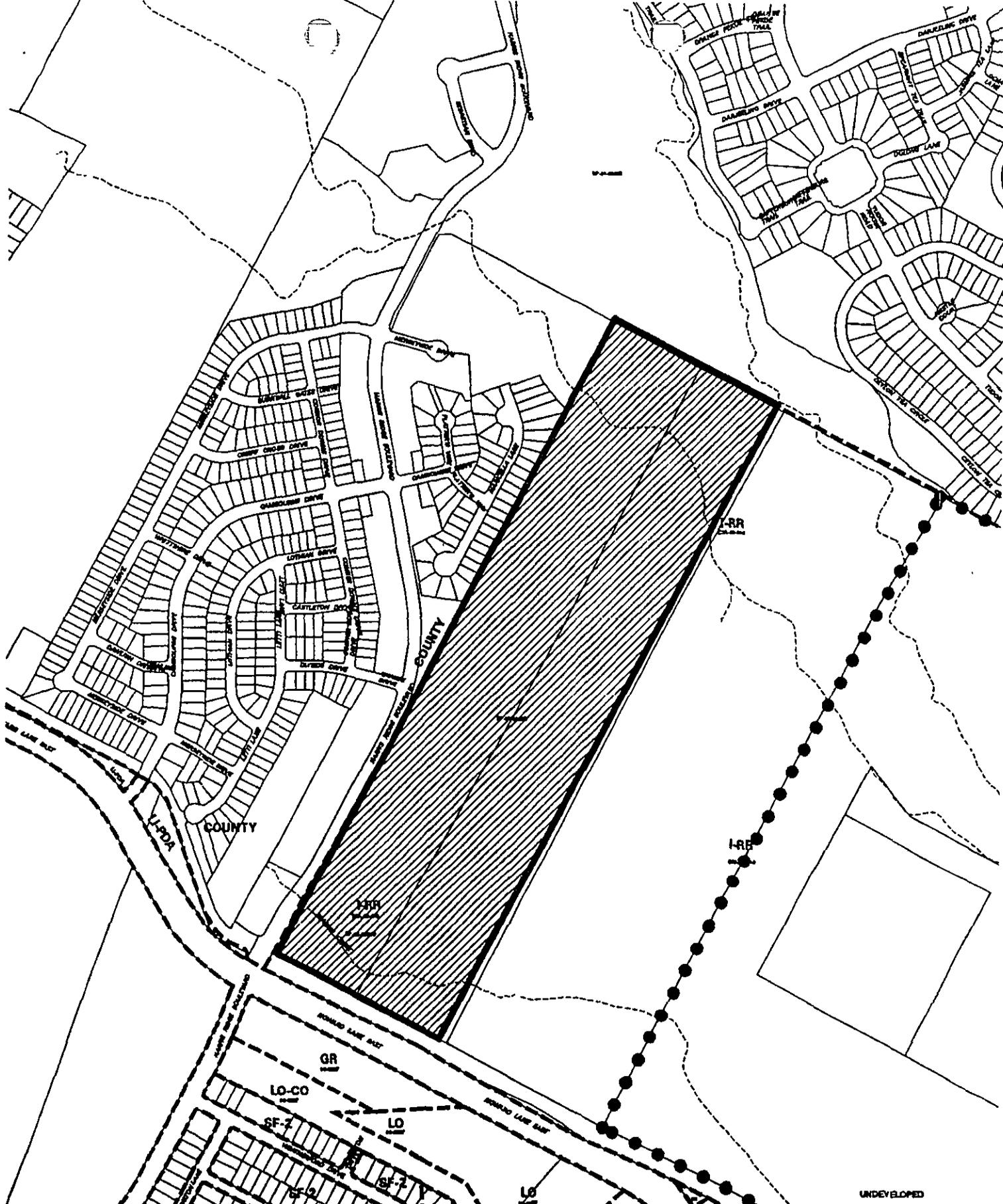
EXHIBIT "A."

being also the northwest corner of a 67.93 acre tract described in Volume 13082, Page 106 of the Real Property Records of Travis County, Texas;

THENCE South 27°42'20" West, with the common line of Tract II and the 67.93 acre tract, a distance of 3410.11 feet to a ½" rebar found for the southeast corner of Tract II, being also the southwest corner of the 67.93 acre tract, and being also in the north line of Howard Lane;

THENCE North 62°18'30" West, with the south line of Tract II and the north line of Howard Lane, a distance of 433.77 feet to a ½" rebar with cap set for the southwest corner of Tract II, being also the southeast corner of Tract I;

THENCE North 62°18'30" West, with the south line of Tract I and the north line of Howard Lane, a distance of 433.60 feet to the **POINT OF BEGINNING**, containing 67.890 acres of land, more or less.



SUBJECT TRACT 
 PENDING CASE 
 ZONING BOUNDARY 
 CASE MGR: S. GAGER

CASE #: C14-04-0139
ADDRESS: 1100 E HOWARD LANE
SUBJECT AREA (acres): 67.890

ZONING EXHIBIT B

DATE: 04-08
 INTLS: SM

CITY GR
 REFEREN
 NUMBER
 P34-35

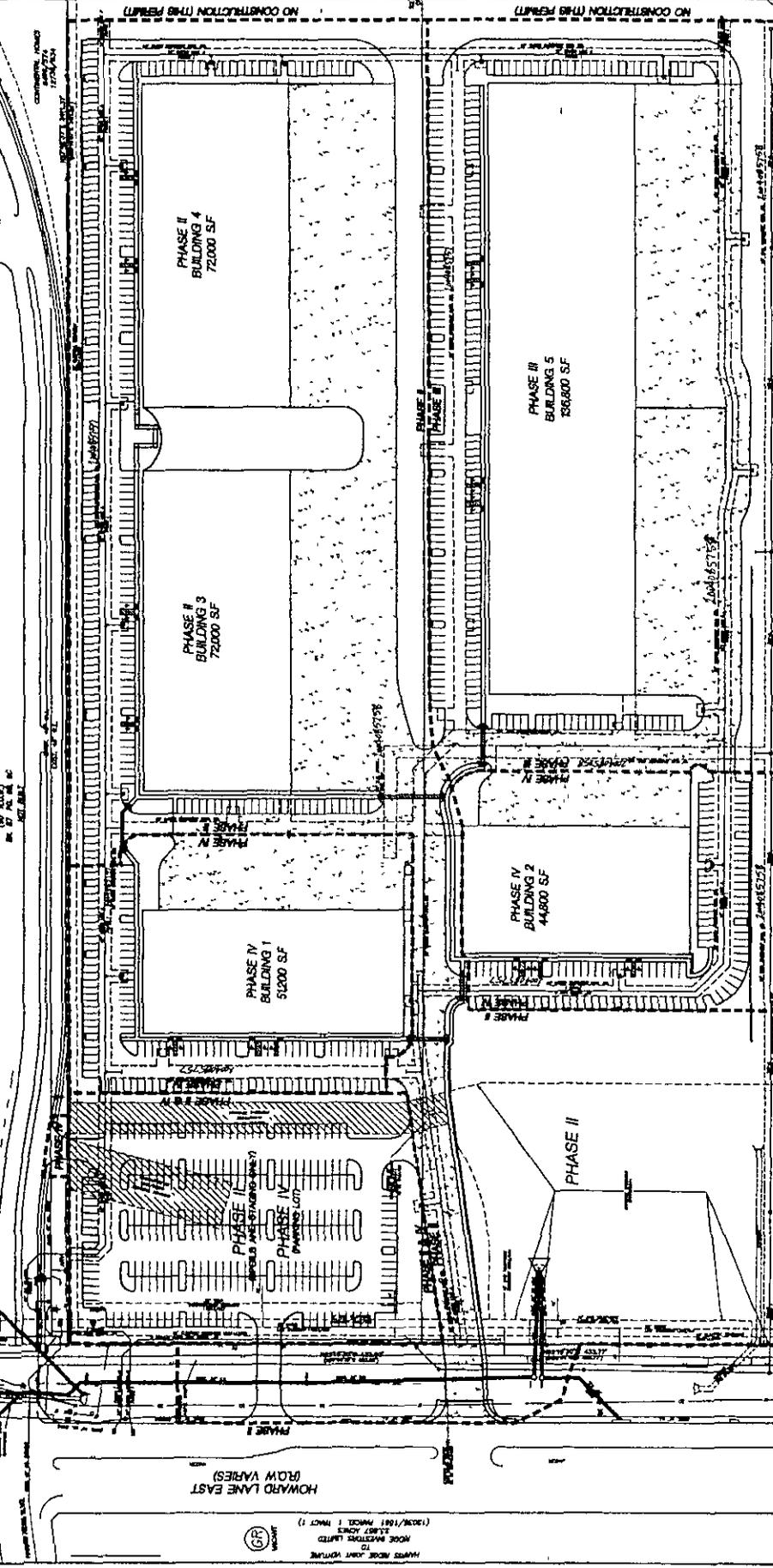
UNDEVELOPED

HANAHAN • PRITCHARD ENGINEERING, INC.
 CONSULTING ENGINEERS
 800 AMERSON SQUARE ROAD SUITE 100
 AUSTIN, TEXAS 78757
 OFFICE: 512.452.7147 FAX: 512.452.7148
 HPE

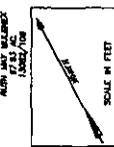
HOWARD INDUSTRIAL PARK
 OVERALL SITE/PHASING PLAN
 1100 EAST HOWARD LANE
 AUSTIN, TEXAS



PROJECT: HOWARD INDUSTRIAL PARK-BASE
 JOB NO. 04-07 DRAWN BY: LK
 DATE: 02/20/03 CHECKED BY: JRP
 SHEET 06 OF 79



CONTRACTOR SHALL VERIFY ALL UTILITIES (GAS, WATER, SEWER, ETC.) PRIOR TO CONSTRUCTION. ANY UNEXPECTED UTILITIES SHALL BE REPORTED TO THE ENGINEER IMMEDIATELY.



PROPOSED USE TABLE

BUILDING	AREA (SQ FT)	AREA (AC)	PERCENTAGE
1	11,000	0.25	1.00
2	11,000	0.25	1.00
3	11,000	0.25	1.00
4	11,000	0.25	1.00
5	11,000	0.25	1.00
TOTAL	55,000	1.25	5.00

NOTE: OVERFLOW PARKING LOT = 811 RESERVAIR SPACES

PHASE	USE	AREA (SQ FT)	AREA (AC)	PERCENTAGE
1	OFFICE	11,000	0.25	1.00
2	OFFICE	11,000	0.25	1.00
3	OFFICE	11,000	0.25	1.00
4	OFFICE	11,000	0.25	1.00
5	OFFICE	11,000	0.25	1.00
TOTAL	OFFICE	55,000	1.25	5.00

NOTE: ALL BUILDINGS TO HAVE CONCRETE SLAB FOUNDATION, AS SHOWN ON THE PLAN.

PHASE	USE	AREA (SQ FT)	AREA (AC)	PERCENTAGE
1	OFFICE	11,000	0.25	1.00
2	OFFICE	11,000	0.25	1.00
3	OFFICE	11,000	0.25	1.00
4	OFFICE	11,000	0.25	1.00
5	OFFICE	11,000	0.25	1.00
TOTAL	OFFICE	55,000	1.25	5.00

NOTE: ALL BUILDINGS TO HAVE CONCRETE SLAB FOUNDATION, AS SHOWN ON THE PLAN.

PHASE	USE	AREA (SQ FT)	AREA (AC)	PERCENTAGE
1	OFFICE	11,000	0.25	1.00
2	OFFICE	11,000	0.25	1.00
3	OFFICE	11,000	0.25	1.00
4	OFFICE	11,000	0.25	1.00
5	OFFICE	11,000	0.25	1.00
TOTAL	OFFICE	55,000	1.25	5.00

NOTE: ALL BUILDINGS TO HAVE CONCRETE SLAB FOUNDATION, AS SHOWN ON THE PLAN.

PHASE	USE	AREA (SQ FT)	AREA (AC)	PERCENTAGE
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2	OFFICE	11,000	0.25	1.00
3	OFFICE	11,000	0.25	1.00
4	OFFICE	11,000	0.25	1.00
5	OFFICE	11,000	0.25	1.00
TOTAL	OFFICE	55,000	1.25	5.00

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PHASE	USE	AREA (SQ FT)	AREA (AC)	PERCENTAGE
1	OFFICE	11,000	0.25	1.00
2	OFFICE	11,000	0.25	1.00
3	OFFICE	11,000	0.25	1.00
4	OFFICE	11,000	0.25	1.00
5	OFFICE	11,000	0.25	1.00
TOTAL	OFFICE	55,000	1.25	5.00

NOTE: ALL BUILDINGS TO HAVE CONCRETE SLAB FOUNDATION, AS SHOWN ON THE PLAN.

PHASE	USE	AREA (SQ FT)	AREA (AC)	PERCENTAGE
1	OFFICE	11,000	0.25	1.00
2	OFFICE	11,000	0.25	1.00
3	OFFICE	11,000	0.25	1.00
4	OFFICE	11,000	0.25	1.00
5	OFFICE	11,000	0.25	1.00
TOTAL	OFFICE	55,000	1.25	5.00

NOTE: ALL BUILDINGS TO HAVE CONCRETE SLAB FOUNDATION, AS SHOWN ON THE PLAN.

PHASE	USE	AREA (SQ FT)	AREA (AC)	PERCENTAGE
1	OFFICE	11,000	0.25	1.00
2	OFFICE	11,000	0.25	1.00
3	OFFICE	11,000	0.25	1.00
4	OFFICE	11,000	0.25	1.00
5	OFFICE	11,000	0.25	1.00
TOTAL	OFFICE	55,000	1.25	5.00

NOTE: ALL BUILDINGS TO HAVE CONCRETE SLAB FOUNDATION, AS SHOWN ON THE PLAN.

PHASE	USE	AREA (SQ FT)	AREA (AC)	PERCENTAGE
1	OFFICE	11,000	0.25	1.00
2	OFFICE	11,000	0.25	1.00
3	OFFICE	11,000	0.25	1.00
4	OFFICE	11,000	0.25	1.00
5	OFFICE	11,000	0.25	1.00
TOTAL	OFFICE	55,000	1.25	5.00

NOT TO BE USED FOR ANY OTHER PROJECTS WITHOUT THE WRITTEN CONSENT OF HANAHAN • PRITCHARD ENGINEERING, INC. ANY REVISIONS TO THIS PLAN SHALL BE INDICATED BY A REVISION TABLE.

PARKING TABLE

PHASE	USE	AREA (SQ FT)	AREA (AC)	PERCENTAGE	SPACES
1	OFFICE	11,000	0.25	1.00	5
2	OFFICE	11,000	0.25	1.00	5
3	OFFICE	11,000	0.25	1.00	5
4	OFFICE	11,000	0.25	1.00	5
5	OFFICE	11,000	0.25	1.00	5
TOTAL	OFFICE	55,000	1.25	5.00	25

NOTE: ALL BUILDINGS TO HAVE CONCRETE SLAB FOUNDATION, AS SHOWN ON THE PLAN.

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DATE: 02/20/03

All rights reserved





Date: November 22, 2006
To: Sherri Sirwaitis, Case Manager
CC: Scott Feldman, P.E. Alliance Transportation Group, Inc
 Carol Barnes, COA Fiscal Officer
Reference: Harris Ridge TIA ~ C14-06-0098

The Transportation Review Section has reviewed the Traffic Impact Analysis for Harris Ridge, dated July 2006, prepared by Scott Feldman with Alliance Transportation Group, and offers the following comments:

TRIP GENERATION

The Harris Ridge Development is located in northeast Austin at the northeast corner of Harris Ridge Boulevard and Howard Lane. The property is currently undeveloped and is zoned Limited Industrial with a conditional overlay (LI-CO). The applicant has requested a zoning change to Townhouse and Condominium Residence (SF-6) and Limited Industrial (LI). The TIA covers a 67.880-acre area. The estimated completion of the project is expected in the year 2010.

Based on the standard trip generation rates established by the Institute of Transportation Engineers (ITE), the development will generate approximately 3,808 unadjusted average daily trips (ADT)

The table below shows the trip generation by land use for the proposed development:

Table 1. Trip Generation				
LAND USE	Size (sf)	ADT	AM Peak	PM Peak
Residential Condominium/Townhouse	190du	1,108	87	102
Warehousing	277,300sf	1,371	172	147
General Office	99,500sf	1,329	186	190
TOTAL		3,808	445	439

ASSUMPTIONS

1. Traffic growth rates provided by the City of Austin were as follows:

Table 2. Growth Rates per Year	
Roadway Segment	%
All Roads	3.3%

2. In addition to these growth rates, background traffic volumes for 2005 included estimated traffic volumes for the following projects:

SP-04-0275C Dell SLC Bypass
 SP-04-0361C Wright Subdivision

3. No reductions were taken for pass-by, internal capture or transit use.

EXISTING AND PLANNED ROADWAYS

Howard Lane – In the vicinity of the project this roadway is currently a four lane divided major arterial. The AMATP calls for this road to be upgraded to a six lane divided major arterial by the year 2025. Howard Lane is in the Bicycle Plan as a Priority One route.

Dessau Road – In the vicinity of the project this roadway is currently a four lane divided major arterial. Dessau Road is in the Bicycle Plan as a Priority One route

Harris Ridge Boulevard – This roadway is classified as a commercial collector north of Howard Lane

INTERSECTION LEVEL OF SERVICE (LOS)

The TIA analyzed 8 intersections, 3 of which are or will be signalized. Existing and projected levels of service are as follows, assuming that all improvements recommended in the TIA are built:

Table 3. Level of Service

Intersection	2006 Existing		2010 Site + Forecasted	
	AM	PM	AM	PM
Dessau Road at Howard Lane	F	E	F	F
Howard Lane and Harris Ridge Boulevard	A	A	B	B
Harris Ridge Boulevard and Tayside Drive	A	A	A	A
Howard Lane and Driveway One			A	A
Howard Lane and Driveway Two			A	A
Harris Ridge Boulevard and Driveway 3			A	A
Harris Ridge Boulevard and Driveway 4			A	A

* = SIGNALIZED

RECOMMENDATIONS

1) Prior to 3rd reading at City Council, fiscal is required to be posted *or* a phasing agreement completed for the following improvements:

Intersection	Improvement	Estimated Cost	Pro Rata Share (%)	Pro Rata Share (\$)
Howard Lane and Harris Ridge	SB Left Turn Lane	\$41,512	23.6%	\$9,796
Howard Lane and Dessau Road	NB Right Turn Lane	\$41,512	5.8%	\$2,407
Howard Lane and Dessau Road	SB Right Turn Lane	\$41,512	12%	\$4,981
TOTAL		\$124,536		\$17,184

- 2) Approval from Travis County is required prior to scheduling the case for City Council.
- 3) Two copies of the final TIA are required to be submitted prior to 3rd Reading at City Council.
- 4) Development of this property should be limited to uses and intensities which will not exceed or vary from the projected traffic conditions assumed in the TIA, including peak hour trip generations, traffic distribution, roadway conditions, and other traffic related characteristics.

If you have any questions or require additional information, please contact me at 974-2788.

Emily M. Barron
Sr Planner – Watershed Protection and Development Review

RESTRICTIVE COVENANT

OWNER: Capital City-Howard Lane, Ltd., a Texas limited partnership

ADDRESS: 1717 West 6th Street, Suite 390, Austin, Texas 78703

CONSIDERATION: Ten and No/100 Dollars (\$10.00) and other good and valuable consideration paid by the City of Austin to the Owner, the receipt and sufficiency of which is acknowledged.

PROPERTY: Tract One: A 35.0 acre tract of land, more or less, out of the Alexander T. Walters Survey 67, Abstract 791, Travis County, being a portion of a 67.890 acre tract identified as Tract Two in this covenant, the 35.0 acre tract of land being more particularly described by metes and bounds in Exhibit "A" incorporated into this covenant; and

Tract Two: A 67.890 acre tract of land, more or less, out of the Alexander T Walters Survey 67, Abstract 791, Travis County, Save and Except the 35.0 acre tract of land identified as Tract One in this covenant, the 67.890 acre tract being more particularly described by metes and bounds in Exhibit "B" incorporated into this covenant.

WHEREAS, the Owner of the Property and the City of Austin have agreed that the Property should be impressed with certain covenants and restrictions;

NOW, THEREFORE, it is declared that the Owner of the Property, for the consideration, shall hold, sell and convey the Property, subject to the following covenants and restrictions impressed upon the Property by this restrictive covenant. These covenants and restrictions shall run with the land, and shall be binding on the Owner of the Property, its heirs, successors, and assigns.

1. Owner shall provide and maintain an eight-foot high stone or masonry fence along the south property line adjacent to Tract Two.
2. A site plan or building permit for the Property may not be approved, released, or issued, if the completed development or uses of the Property, considered cumulatively with all existing or previously authorized development and uses, generate traffic that exceeds the total traffic generation for the Property as specified in that certain Traffic Impact Analysis ("TIA") prepared by Alliance Transportation Group, dated July 2006, or as amended and approved by the Director of the Watershed Protection and Development Review Department. All development on the Property is subject to the recommendations contained in the memorandum from the Transportation Review Section of the Watershed Protection and Development Review Department, dated November 22, 2006. The TIA shall be kept on file at the Watershed Protection and Development Review Department.

3. If any person or entity shall violate or attempt to violate this agreement and covenant, it shall be lawful for the City of Austin to prosecute proceedings at law or in equity against such person or entity violating or attempting to violate such agreement or covenant, to prevent the person or entity from such actions, and to collect damages for such actions.
4. If any part of this agreement or covenant is declared invalid, by judgment or court order, the same shall in no way affect any of the other provisions of this agreement, and such remaining portion of this agreement shall remain in full effect.
5. If at any time the City of Austin fails to enforce this agreement, whether or not any violations of it are known, such failure shall not constitute a waiver or estoppel of the right to enforce it.
6. This agreement may be modified, amended, or terminated only by joint action of both (a) a majority of the members of the City Council of the City of Austin, and (b) by the owner(s) of the Property subject to the modification, amendment or termination at the time of such modification, amendment or termination.

EXECUTED this the _____ day of _____, 2006.

OWNER:

**Capital City-Howard Lane, Ltd.,
a Texas limited partnership**

By: Capital City GP Corp.,
a Texas corporation,
its sole general partner

By: _____
Christopher H. Whitworth,
President

APPROVED AS TO FORM:

Assistant City Attorney
City of Austin

THE STATE OF TEXAS §

COUNTY OF TRAVIS §

This instrument was acknowledged before me on this the ____ day of _____, 2006, by Christopher H. Whitworth, President of Capital City GP Corp., a Texas corporation, general partner of Capital City-Howard Lane, Ltd., a Texas limited partnership, on behalf of the corporation and the partnership.

Notary Public, State of Texas

After Recording, Please Return to:
City of Austin
Department of Law
P. O. Box 1088
Austin, Texas 78767
Attention: Diana Minter, Paralegal

Chaparral

**Professional Land Surveying, Inc.
Surveying and Mapping**

EXHIBIT A

Office: 512-443-1724
Fax: 512-441-6987

2807 Manchaca Road
Building One
Austin, Texas 78704

Tract 1

**35.000 ACRES
CAPITAL CITY-HOWARD LANE, LTD.**

A DESCRIPTION OF 35.000 ACRES IN THE ALEXANDER T. WALTERS SURVEY 67 ABSTRACT 791, TRAVIS COUNTY, TEXAS, BEING A PORTION OF A 67.890 ACRE TRACT CONVEYED TO CAPITAL CITY - HOWARD LANE, LTD., BY SPECIAL WARRANTY DEED EXECUTED JULY 23, 2002 AND RECORDED IN DOCUMENT NO. 2002135987 OF THE OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS; SAID 35.000 ACRES BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING at a 1/2" rebar with cap set in the west line of the said 67.890 acre tract, being in the east line of Lot 4, Block B, Resubdivision of Lot 1, Block A, Lot 1, Block B, Lot 1, Block C, Lot 1, Block D and Lot 13, Block E, Parkway Subdivision, a subdivision of record in Document No. 200500063 of the Official Public Records of Travis County, Texas, from which a 1/2" rebar found in the east right-of-way line of Harris Ridge Boulevard (64' right-of-way width), being in the west line of the said 67.890 acre tract, being also the southernmost corner of said Lot 4, bears South 27°42'37" West, a distance of 448.34 feet;

THENCE North 27°42'37" East with the west line of the said 67.890 acre tract, the east line of said Lot 4, the east line of Northtown Park Section 5-A, a subdivision of record in Volume 91, Page 188 of the Plat Records of Travis County, Texas, and the east line of a 4.652 acre tract of land described in Volume 12088, Page 492 of the Real Property Records of Travis County, Texas, a distance of 1759.40 feet to a 1/2" rebar found for the northwest corner of the said 67.890 acre tract, being the northeast corner of the said 4.652 acre tract, being also in the south line of Lot 2, Block H, Parkside Subdivision, a subdivision of record in Document No. 200400029 of the Official Public Records of Travis County, Texas;

THENCE with the north line of the said 67.890 acre tract and the south line of Lot 2, Block H, of said Parkside Subdivision, the following three (3) courses:

1. South 62°12'15" East, a distance of 84.00 feet to a 60d nail in Hackberry stump found;
2. South 61°57'45" East, a distance of 349.51 feet to a 1/2" rebar found;
3. South 62°26'25" East, a distance of 433.60 feet to a 1/2" rebar found for the northeast corner of the said 67.890 acre tract, being the northwest corner of a 67.93 acre tract of land described in Volume 13082, Page 106 of the Real

Property Records of Travis County, Texas;

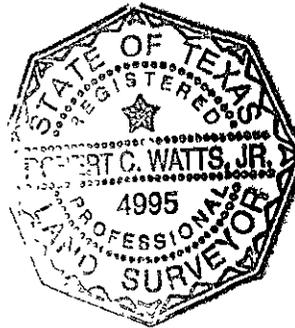
THENCE South 27°42'20" West with the east line of the said 67.890 acre tract and the west line of the said 67.93 acre tract, a distance of 1758.42 feet to a 1/2" rebar with cap set, from which a 1/2" rebar found, bears South 27°42'20" West, a distance of 1651.69 feet;

THENCE North 62°17'23" West over and across the said 67.890 acre tract, a distance of 867.24 feet to the **POINT OF BEGINNING**, containing 35.000 acres of land, more or less.

Surveyed on the ground in December, 2005 under my direction and supervision. Bearing basis is Grid Azimuth for the Texas Central Zone, 1983/93 HARN values from the LCRA survey control network. Attachments: survey Drawing No. 351-001-ZN and 351-001-TO2.



Robert C. Watts, Jr.
Registered Professional Land Surveyor
State of Texas No 4995



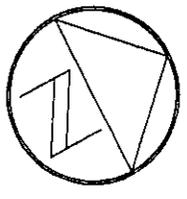
11-6-06

SKETCH TO ACCOMPANY A DESCRIPTION OF 35,000 ACRES IN THE ALEXANDER T. WALTERS SURVEY 67 ABSTRACT 791, TRAVIS COUNTY, TEXAS, BEING A PORTION OF A 67,890 ACRE TRACT CONVEYED TO CAPITAL CITY - HOWARD LANE, LTD., BY SPECIAL WARRANTY DEED EXECUTED JULY 23, 2002 AND RECORDED IN DOCUMENT NO. 2002135987 OF THE OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS.

BEARING BASIS: GRID AZIMUTH FOR TEXAS CENTRAL ZONE, 1983/93 HARN VALUES FROM LCRA CONTROL NETWORK
 ATTACHMENTS METES AND BOUNDS DESCRIPTION: 351-001-ZN

LOT 2, BLOCK H
 PARKSIDE SUBDIVISION
 (200400029)

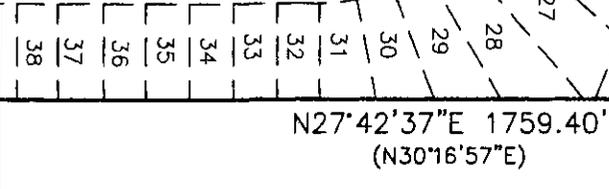
NORTHTOWN M.U.D.
 4,652 ACRES
 (12088/492)



- LEGEND**
- 1/2" REBAR FOUND
 - 1/2" REBAR WITH CAP SET
 - ▲ 60D NAIL FOUND IN HACKBERRY HACKBERRY STUMP

DATE OF SURVEY 12/05
 PLOT DATE 11/06/06
 DRAWING NO. 351-001-ZN
 PROJECT NO 351-001
 SHEET 1 OF 2

RICELLA DRIVE
 (RIGHT-OF-WAY WIDTH)



TRACT 3 (LESS WITHIN TRACT 1)
 3.81 ACRES
 WATER QUALITY TRANSITION ZONE

S61°57'45"E 349.51'
 (S59°23'44"E 349.52')

S62°26'25"E 433.60'
 (S59°51'46"E 433.58')

100 YEAR FLOODPLAIN
 (PROVIDED BY HPE)

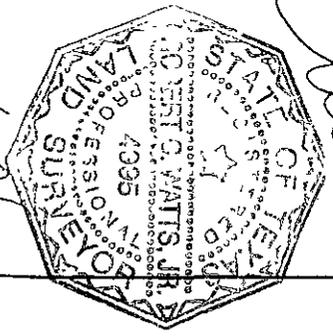
TRACT 1 AND 3 - 35,000 ACRES
 (67,890 ACRES)
 CAPITAL CITY - HOWARD LANE, LTD
 (2002135987)

ALEXANDER T. WALTERS
 SURVEY 67 ABSTRACT 791

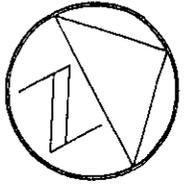
Chapparral

S27°42'20"W 1758.42'
 S27°42'20"W 3410.11'
 (S30°16'40"W 3410.04')

RUTH MAY MULENEX
 67.93 ACRES
 (13082/106)



11-6-06



1" = 200'

NORTHTOWN PARK
SECTION 5-A
(91/188)

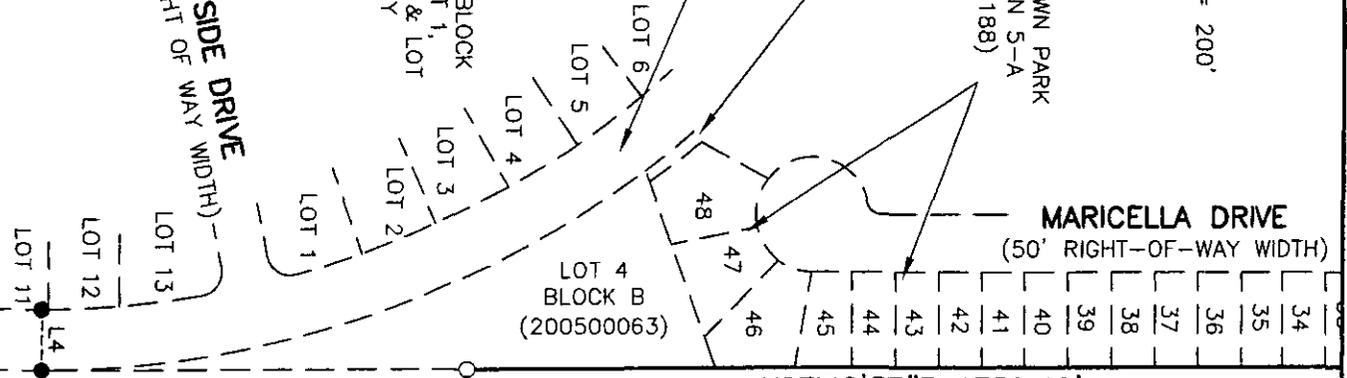
HARRIS RIDGE BLVD.
(64' RIGHT-OF-WAY WIDTH)
ASPHALT PAVEMENT

UNNUMBERED LOT
BLOCK B
(200500063)

BLOCK C
RESUBDIVISION OF LOT 1, BLOCK
A, LOT 1, BLOCK B; LOT 1,
BLOCK C; LOT 1, BLOCK D & LOT
13, BLOCK E, PARKWAY
SUBDIVISION
(200500063)

TAYSSIDE DRIVE
(50' RIGHT OF WAY WIDTH)

MARICELLA DRIVE
(50' RIGHT-OF-WAY WIDTH)



S27°42'37"W 448.34'

N27°42'37"E 1759.40'
(N30°16'57"E)

P.O.B.

N62°17'23"W 867.24'

CAPITAL CITY - HOWARD LANE, LTD
67.890 ACRES
(2002135987)

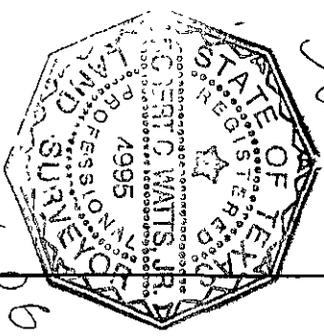
TRACT 1 AND 3 - 35,000 ACRES
(67.890 ACRES)
CAPITAL CITY - HOWARD LANE, LTD
(2002135987)

ALEXANDER T WALTERS
SURVEY 67 ABSTRACT 791

S27°42'20"W
1651.69'

S27°42'20"W 1758.42'
S27°42'20"W 3410.11'
(S30°16'40"W 3410.04')

RUTH MAY MULENEX
67.93 ACRES
(13082/106)



Handwritten signature

U-6-06

DATE OF SURVEY 12/05
PLOT DATE. 11/06/06
DRAWING NO. 351-001-ZN
PROJECT NO. 351-001
SHEET 2 OF 2

Chapparral

LINE TABLE

No.	BEARING	LENGTH	(RECORD)
L2	S62°12'15"E	84.00'	(S59°39'56"E 83.99')
L4	N62°17'12"W	64.05'	(N62°09'40"W 63.92')



Professional Land Surveying, Inc.
Surveying and Mapping

EXHIBIT B

Office: 512-476-7103
Fax: 512-476-7105

510 South Congress Ave.
Suite B-100
Austin, Texas 78704

Tract II

Capital City Partners
Howard Lane Tract

A DESCRIPTION OF 67.890 ACRES IN THE ALEXANDER WALTERS SURVEY NO. 67 IN TRAVIS COUNTY, TEXAS, BEING ALL OF A 33.941 ACRE TRACT (TRACT I) AND ALL OF A 33.945 ACRE TRACT (TRACT II) AS DESCRIBED IN A GENERAL WARRANT DEED TO CWS COMMUNITIES, DATED APRIL 23, 1998, OF RECORD IN VOLUME 13174, PAGE 1813 OF THE REAL PROPERTY RECORDS OF TRAVIS COUNTY, TEXAS,; SAID 67.890 ACRES BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING at a 1/2" rebar with cap set in the north line of Howard Lane (right-of-way width varies), being also the southwest corner of said Tract 1, being in the east line of Heatherwilde Boulevard (90' right-of-way width) as dedicated by plat of Northtown Park Section 3, a subdivision of record in Volume 87, Page 9B of the Plat Records of Travis County, Texas;

THENCE North 27°42'37" East, with the west line of Tract I, with the east line of Heatherwilde Boulevard, at 1201 17 feet passing a point of curvature for said Heatherwilde Boulevard, departing Heatherwilde Boulevard and continuing with the east line of a 305.768 acre tract described in Volume 8496, Page 574 of the Deed Records of Travis County, Texas, and continuing with the east line of Northtown Park Section 5-A, a subdivision of record in Volume 91, Page 188 of the Plat Records of Travis County, Texas, and continuing with the east line of a 4.652 acre tract described in Volume 12088, Page 492 of the Real Property Records of Travis County, Texas, for a total distance of 3411.37 feet to a 1/2" rebar found at the northwest corner of said Tract I, being also the northeast corner of the said 4.652 acre tract, and being in the south line of a 267.666 acre tract described in Volume 13310, Page 1431 of the Real Property Records of Travis County, Texas;

THENCE with the common line of Tract I and the 267.666 acre tract, the following two (2) courses:

1. South 62°12'15" East, a distance of 84.00 feet to a 60d nail found in a hackberry tree stump,
2. South 61°57'45" East, a distance of 349.51 feet to a 1/2" rebar found for the northeast corner of Tract I, being also the northwest corner of Tract II,

THENCE South 62°26'25" East, with the common line of Tract II and the 267.666 acre tract, a distance of 433.60 feet to a 1/2" rebar found for the northeast corner of Tract II,

being also the northwest corner of a 67.93 acre tract described in Volume 13082, Page 106 of the Real Property Records of Travis County, Texas;

THENCE South 27°42'20" West, with the common line of Tract II and the 67.93 acre tract, a distance of 3410.11 feet to a ½" rebar found for the southeast corner of Tract II, being also the southwest corner of the 67.93 acre tract, and being also in the north line of Howard Lane;

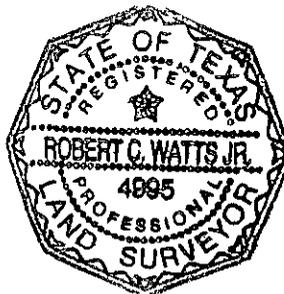
THENCE North 62°18'30" West, with the south line of Tract II and the north line of Howard Lane, a distance of 433.77 feet to a ½" rebar with cap set for the southwest corner of Tract II, being also the southeast corner of Tract I;

THENCE North 62°18'30" West, with the south line of Tract I and the north line of Howard Lane, a distance of 433.60 feet to the **POINT OF BEGINNING**, containing 67.890 acres of land, more or less.

Surveyed on the ground April 12, 2002 under my direction and supervision. Bearing basis is Grid Azimuth for the Texas Central Zone, 1983/93 HARN values from the LCRA survey control network. Attachments: survey Drawing No. 351-01HL.



Robert C. Watts, Jr.
Registered Professional Land Surveyor
State of Texas No. 4995



4-19-02